

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

CURT R. THEGE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.: 4:20-cv-3014
	)	
BNSF RAILWAY COMPANY,	)	
	)	
Defendant.	)	
	)	

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**PROTECTIVE ORDER**

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Pursuant to Defendant BNSF Railway Company's ("BNSF") Motion for Protective Order filed by BNSF on December 31, 2020 the Court hereby finds and Orders as follows:

1. BNSF has filed an unopposed motion for a protective order concerning certain confidential materials arising out of a prior injury incident involving former BNSF employee Douglas D. Zavadil ("Zavadil Incident Materials") in approximately December 2001 that may be produced in this matter. BNSF seeks to limit use and disclosure of these materials within the confines of this case.

2. The Zavadil Incident Materials contain information related to an alleged injury incident in December 2001 involving a former employee who is not party to this litigation. Being that Mr. Zavadil is a non-party, there is an interest in and good cause for maintaining confidentiality of materials related to his alleged injury incident and a Protective Order of the limited scope requested by BNSF is therefore appropriate under [Fed. R. Civ. P. 26\(c\)](#).

3. The Zavadil Incident Materials are confidential; BNSF therefore has an interest in maintaining confidentiality of Zavadil Incident Materials. The Zavadil Incident Materials (including all materials from related litigation) which BNSF wishes to keep confidential and from

being disclosed to the public or anyone outside the confines of the instant litigation shall be designated as such by stamping or labeling these materials as “Confidential—Subject to Protective Order” in a conspicuous place and manner.


4. BNSF, prior to producing the Zavadil Incident Materials, may redact personally identifying information including social security numbers, employee identification numbers, and sensitive personal medical information.

5. These Zavadil Incident Materials shall be treated as confidential by all parties and their representatives and shall not be disclosed to anyone except those necessary for the defense or prosecution of this suit. No such disclosure shall be made to anyone outside the context of the instant litigation.

6. If any of these materials are filed with the Court as part of the record in this case, they shall be filed under seal and shall remain under seal until withdrawn or until further Order of the Court.

January 4, 2021.

BY THE COURT:

  
Cheryl R. Zwart  
United States Magistrate Judge